THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2067 of 1997

ORDER:

This writ petition is filed seeking a Mandamus declaring that the order passed by the respondents in R.C.No.1783/88/S.6 dated 29.1.1997 canceling the lease granted in favour of petitioners is arbitrary and illegal.

It is the case of the petitioners that they were allotted with Shop Nos.5 and 4 respectively by proceedings dated 26.11.1984 in the District Court Centre Shopping Complex under the scheme meant for Scheduled Castes Service Cooperative Society. They were granted loan of Rs.20,000/-, of which Rs.7,500/- is subsidy and the remaining amount to be paid in 100 instalments @ 125/- per month. The petitioners were running business in the said shops by paying rents regularly. While so, on 26.7.1996 notices were issued to the petitioners calling upon their explanation as to why their allotment should not be cancelled as they have sublet the premises in favour of third parties. The petitioners submitted their explanation on 30.7.1996 denying the allegations made therein stating that as and when they are not present in the shop, some other persons are taking care and helping them, therefore, they have not committed any contravention of the conditions of allotment, particularly clause 4, which prohibits sub-lease or mortgaging the shop. However, without conducting any further enquiry into the matter, the respondents passed the impugned order canceling the allotment made in their favour. Hence the writ petition.

Admittedly, no notice of any kind or any enquiry has been

conducted into the truth or otherwise of the allegations made against the petitioners, except issuing a show cause notice calling upon their explanation, and no other evidence was recorded and no opportunity was given to the petitioners to lead any evidence.

Under those circumstances, I am of the opinion that the respondents have committed gross violation of principles of natural justice in passing the impugned order canceling the allotment of shops in favour of petitioners. Therefore, the impugned order is liable to be set aside.

In the result, the writ petition is allowed and the impugned order is set aside. There shall be no order as to costs.

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C.V.RAMULU,
J

Date: 30.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2067 of 1997

30.6.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2067 of 1997

Dated: 30th June, 2006

Between:

Medapati Madhu Kumar & another.

.. Petitioners

and

West Godavari District Scheduled Castes
Service Cooperative Society Ltd., Eluru,
rep. by its Chairman/District Collector,

West Godavari district & another.

.. Respondents